THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1738 of 2005

17-10-2005

Between:

P.Rajaiah.

.....APPELLANT

AND

The Divisional Forest Officer, Karimnagar West, Karimnagar & Others.

.....RESPONDENTS

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT APPEAL No. 1738 OF 2005

JUDGMENT : (Per Hon'ble Sri Bilal Nazki, ACJ)

The writ petition was filed for the following relieves;

"(i) to declare the action of the 3rd & 4th respondents in seizing the saw mill including the band saw table, adjustment tool (Gutka) along with the forest produce as illegal, arbitrary and set aside the proc. RC. No.109/03/26 dt.14-7-2005 issued by the 1st respondent.

ii. consequently direct the respondents permit to continue the petitioner's lawful business of running the saw mill, and

iii. pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The writ petition has been dismissed. The grievance of the writ petitioner was that in terms of Andhra Pradesh Saw Mills (Regulation) Rules, 1969, respondents No.2 to 4 had no power to seize the Saw Mill and this power was available only to the 1st respondent, whereas the learned Single Judge held that respondents No.2 to 4 had also power to seize.

We are told by the learned Government Pleader that the Saw Mill was never seized at all, and as a matter of fact, after filing of the writ petition, a show cause notice had been given to the writ petitioner, as to why his license shall not be revoked/cancelled. Now, the license of the writ petitioner has already been cancelled on 15.09.2005. In this view of the matter, the writ petition and writ appeal, both have become infructuous. Any observations made by the learned Single Judge with regard to the power of seizure by respondents No.2 to 4, shall not be taken as final expression of opinion, as this matter, in the changed circumstances, is not examined by us.

Writ appeal is accordingly dismissed. No order as to costs.

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(BILAL NAZKI, ACJ)

17th October 2005.

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(R.SUBHASH REDDY, J)

ajr